

21 C.J.S. Courts § 242

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Courts

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VI. Rules of Adjudication, Decisions, and Opinions

D. Opinions

§ 242. Syllabi and headnotes

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Courts may be required to prepare syllabi of their opinions.

In some jurisdictions, the courts are required to prepare syllabi of their opinions.¹ The syllabus is to be confined to the points of law arising from the facts of the case that have been determined by the court.² The language used in a syllabus, as in judicial opinions, must be interpreted in light of the particular facts of the case³ and the issues that were addressed.⁴

The syllabus of a state's highest court may constitute the official opinion of that court⁵ and the law of the case,⁶ and except for per curiam opinions, the court speaks only as a court through the syllabi of its cases.⁷ The syllabus is deemed the authoritative expression of the court, to which the entire court is committed,⁸ to the extent warranted by the judgment of the court upon the facts,⁹ so that the syllabus must be read in light of the opinion.¹⁰

In other jurisdictions, the opinion controls the syllabus, the view being taken that the syllabus merely explains the opinion and has no more effect than the statements in the opinion on which the syllabus is based.¹¹ For instance, the syllabus of a United States Supreme Court decision is not precedential authority.¹²

If the court's headnotes are given no special force by a statute or court rule, one must look only to the opinion for the statement of the grounds of the decision.¹³ A headnote that is a publisher's interpretation of what the court stated is not authority.¹⁴

Footnotes

- 1 Ga.—Trammell v. Atlanta Coach Co., 51 Ga. App. 705, 181 S.E. 315 (1935).
Okla.—Corbin v. Wilkinson, 1935 OK 977, 175 Okla. 247, 52 P.2d 45 (1935).
W. Va.—Walker v. Doe, 210 W. Va. 490, 558 S.E.2d 290 (2001).
- 2 U.S.—Ohio Tax Cases, 232 U.S. 576, 34 S. Ct. 372, 58 L. Ed. 737 (1914) (applying Ohio law).
- 3 U.S.—Perkins v. Benguet Consol. Min. Co., 342 U.S. 437, 72 S. Ct. 413, 96 L. Ed. 485, 63 Ohio L. Abs. 146 (1952) (applying Ohio law).
Kan.—Dawson v. Bruce, 36 Kan. App. 2d 221, 138 P.3d 1234 (2006).
Ohio—State v. McDermott, 72 Ohio St. 3d 570, 1995-Ohio-80, 651 N.E.2d 985 (1995).
- 4 U.S.—Perkins v. Benguet Consol. Min. Co., 342 U.S. 437, 72 S. Ct. 413, 96 L. Ed. 485, 63 Ohio L. Abs. 146 (1952) (applying Ohio law).
Kan.—Dawson v. Bruce, 36 Kan. App. 2d 221, 138 P.3d 1234 (2006).
- 5 U.S.—Perkins v. Benguet Consol. Min. Co., 342 U.S. 437, 72 S. Ct. 413, 96 L. Ed. 485, 63 Ohio L. Abs. 146 (1952).
- 6 Ohio—State ex rel. Heck v. Kessler, 72 Ohio St. 3d 98, 1995-Ohio-304, 647 N.E.2d 792 (1995).
Precedential effect of a syllabus, see § 228.
- 7 Ohio—Masheter v. Kebe, 49 Ohio St. 2d 148, 3 Ohio Op. 3d 86, 359 N.E.2d 74 (1976).
- 8 Ga.—Forrester v. Forrester, 155 Ga. 722, 118 S.E. 373, 29 A.L.R. 1363 (1923).
Okla.—Corbin v. Wilkinson, 1935 OK 977, 175 Okla. 247, 52 P.2d 45 (1935).
- 9 Me.—Brown v. Railway Express Agency, 134 Me. 477, 188 A. 716 (1936).
- 10 Ohio—Cincinnati ex rel. Cosgrove v. Grogan, 141 Ohio App. 3d 733, 753 N.E.2d 256 (1st Dist. Hamilton County 2001).
W. Va.—State ex rel. Artimez v. Recht, 216 W. Va. 709, 613 S.E.2d 76 (2005).
- 11 Neb.—Hillary Corp. v. U.S. Cold Storage, Inc., 250 Neb. 397, 550 N.W.2d 889 (1996).
- 12 U.S.—U.S. v. Hook, 195 F.3d 299 (7th Cir. 1999).
- 13 U.S.—Burbank v. Ernst, 232 U.S. 162, 34 S. Ct. 299, 58 L. Ed. 551 (1914).
La.—Cabral v. Victor & Provost, 181 La. 139, 158 So. 821 (1934).
N.J.—Harris v. Lahn, 122 N.J.L. 91, 4 A.2d 772 (N.J. Ct. Err. & App. 1939).
- 14 Ala.—Pileri Industries, Inc. v. Consolidated Industries, Inc., 740 So. 2d 1108 (Ala. Civ. App. 1999).